

FILED

UNITED STATES OF AMERICA :

V. :

CRIMINAL NO. 3:11mj-311

11 DEC -1 PM 6:55
MICHAEL R. MERZ
UNITED STATES
MAGISTRATE JUDGE

Richard Castle :

a/k/a Richard Parker :

a/k/a Richard Joshua Parker :

a/k/a Josh Fade :

a/k/a Josh :

AFFIDAVIT IN SUPPORT OF REQUEST FOR EXTRADITION OF RICHARD CASTLE

I, Sheila Lafferty, being duly sworn, state that:

1. I am a citizen of the United States of America and a resident of the State of Ohio.

2. I graduated from the University of Dayton School of Law in 1989. From 1999 to the present, I have been employed by the United States Department of Justice as an Assistant United States Attorney for the Southern District of Ohio. My duties are to prosecute persons charged with criminal violations of the laws of the United States. During my practice as an Assistant United States Attorney, I have become knowledgeable about the criminal laws and procedures of the United States.

3. In the course of my duties, I have become familiar with the charges and evidence in the case of United States v. Richard Castle, Criminal No. 3:11mj-311.

4. This prosecution arose from an investigation by the Department of Homeland Security, Homeland Security Investigations, which revealed that beginning in March 2009,

CASTLE communicated via the Internet with a minor female in Dayton, Ohio, for approximately two years in order to entice her to engage in sexual activity with him. In June 2011, CASTLE traveled from Great Britain to Dayton, Ohio, and engaged in sexual activity with the minor female on numerous occasions over a three-week period.

SUMMARY OF THE FACTS OF THE CASE

5. In approximately March 2009, a 12-year-old female located in Dayton, Ohio, identified for purposes of this request as "Minor A," was using a website called "BlogTV.com." Blogtv.com is an Israeli based platform for user generated live broadcasts via webcams. Minor A had signed up as a junior member and indicated that she was 13 years old which was the minimum age necessary to open an account. Minor A posted a comment on the BlogTv.com site and a user identified as "xrjpx" responded. The profile for "xrjpx" indicated that he was a 17-year-old male and the photo depicted of him was overexposed, such that the user's face was not visible. Minor A began chatting with "xrjpx" online. User "xrjpx" told Minor A that he was 17 years old and Minor A informed him that she was 13 years old. During the course of their communications, "xrjpx" informed Minor A that his name was Richard Joshua Parker and that he resided in England. Richard Joshua Parker was later identified as Richard CASTLE of North Hampton, United Kingdom, and will be referenced as "CASTLE"

for the remainder of this affidavit. Minor A and CASTLE began communicating on a regular basis via BlogTv.com, as well as other Internet media outlets which included, but was not limited to e-mail, MSN Instant Messenger, Yahoo instant messaging, Skype and Facebook. In communicating with one another, Minor A and CASTLE used a number of screen names and identities on these various internet platforms. CASTLE also made numerous international phone calls to Minor A on her cellular telephone.

6. As the online relationship progressed between Minor A and CASTLE, it became sexual in nature. CASTLE e-mailed Minor A a picture of his penis and she sent him numerous photos of her in which her breasts were exposed. Their chats became explicitly sexual and they referred to themselves as boyfriend and girlfriend. During an instant message conversation in late spring 2011, CASTLE stated that he was going to visit Minor A in the United States in June 2011. Based upon their communications, Minor A believed that they would have sexual relations during his visit. Every photograph Minor A had seen of CASTLE on the Internet was overexposed such that she could not clearly see his face, and every time they had webcam chats CASTLE explained that his web camera was not working properly.

7. CASTLE arrived in the United States in June 2011 and rented a hotel room at the Best Western Hotel located at 20 Rockridge Road, Englewood, Ohio. Records from Best Western

reveal that CASTLE originally booked the trip through Travelocity for a two-week trip, however, CASTLE then extended his stay for an additional week. CASTLE's initial trip was paid for using an American Express card and his additional stay was paid for using a Visa card. CASTLE also rented two different cars from Dollar Rent-A-Car, located at 2700 West National Road, Vandalia, Ohio. Car rental records show that CASTLE rented a Ford Taurus from June 25, 2011, to July 2, 2011, and then a different Ford Taurus from July 2, 2011, to July 9, 2011. CASTLE also obtained a U.S. based cellular telephone with which he communicated with Minor A.

8. Minor A agreed to meet CASTLE at Helke Park in Vandalia, Ohio. Prior to arriving at Helke Park, CASTLE told Minor A that he was not 17 years old as he previously stated, but rather somewhere "between 20 and 40 years" of age¹. CASTLE further stated to Minor A that "society wouldn't understand, but it was common for young girls to have relationships with musicians," or words to that effect. Minor A went to the park and approached CASTLE. CASTLE was older than Minor A expected, but she felt bad that he had come from so far away, so agreed to spend time with him.

9. Between June 21, 2011 and July 8, 2011, Minor A spent a great deal of time with CASTLE both at his hotel and elsewhere. CASTLE took Minor A out to restaurants and went shopping at

¹ CASTLE was in fact 45 years old.

various locations. CASTLE also met and hung out with a number of Minor A's friends during his trip to Ohio. On the second day Minor A and CASTLE spent together, they returned to his hotel, the Best Western, and engaged in sexual intercourse. CASTLE had brought approximately three condoms with him. Over the course of his trip, they had sexual intercourse approximately nine times, eight at his hotel and once at her residence while her mother was away. Minor A performed fellatio on CASTLE approximately three to five times and CASTLE performed cunnilingus on her approximately two to four times.

10. During CASTLE's stay in Ohio, they traveled to a local grocery store called Meijer for the purpose of purchasing items, including additional condoms. Minor A gave CASTLE a Hello Kitty stuffed animal to take back with him. CASTLE also purchased and took with him a Ohio State University t-shirt that Minor A wrote on in fluorescent markers. In addition, CASTLE purchased a Talent guitar for Minor A at Dugan's Pawn Shop, located at 4625 North Dixie, Dayton, Ohio, during his trip to Ohio and wrote a love song/poem on it. CASTLE also gave Minor A a blue jacket and a necklace charm bearing the initials "J" and "M," representing nicknames CASTLE and Minor A used for one another during the course of some of their online chats and communications. Minor A provided law enforcement with the guitar, jacket, and necklace charm given to her by CASTLE.

11. After CASTLE returned to the United Kingdom, he communicated with Minor A via the Internet and stated the "sex was amazing" or words to that effect. In addition, an initial forensic review of Minor A's computer revealed the following message from CASTLE to Minor A and some of her friends:

I wanted you all to see that Im not just some old guy who wanted to Fuck n leave, it was hard to write and hard to share, I dont in truth know if it wil even make any difference but I had to do something . . .[] . . . I do want you all to know that whether you judged me on my age or not, that you kept it to yourselves, I can never thank you enough for that ? you can see, I truly do love [Minor A] and would do anything for her, regardless of what happens to me. fuck my life, i just read it through again and now im crying, again. my mum said, she would pay for [Minor A] to move to England, she cant obviously because of her age but the fact that she (my mum) sees that this whole situation is fucked up means to me that, I dont fight totally alone, although it seems like i am, I love you all, js

Also discovered on Minor A's computer were a number of images and fragments of chat logs between CASTLE and Minor A prior to CASTLE's trip to the United States, to include the following: (1) a photograph of Minor A depicting her exposed belly with a diamond shape and the words "ily josh" drawn on it with a heart and an arrow pointing towards her vaginal area with the words "for josh"; (2) numerous photographs depicting CASTLE's overexposed face framed by a rose border; and (3) several instant message chat sessions in which Minor A and CASTLE discuss

engaging in sexual acts, their relationship including how much they love each other, CASTLE's plans to travel to the United States, as well as other topics such as friends and music.

12. In October 2011, Minor A confided in a counselor at her school that she had sexual relations in the summer of 2011 with an adult male, whom she identified to the counselor as Richard Joshua Parker. The school counselor contacted the local police department. During interviews with law enforcement authorities, Minor A provided the facts set forth above pertaining to her relationship with Parker, who was later identified as CASTLE. Minor A stated that CASTLE was very manipulative and had a way with words.

13. CASTLE's true identity was confirmed through information he provided to the hotel and car rental locations in Ohio. Car rental records show that CASTLE indicated his address as 118 Fullingdale Road, Northampton, Great Britain, NN3 2QJ.

14. A query of U.S. travel record databases confirm CASTLE's entry into the United States on June 20, 2011, at Philadelphia International Airport (PHL), via US Airways flight 729, using UK-issued passport number 502008308. Upon entry, CASTLE declared his destination address to be 20 Rockridge Road, Englewood, Ohio, the address of the Best Western Hotel. U.S. travel records also confirm that CASTLE departed the United

States on July 9, 2011, via Charlotte, North Carolina (NC), to London Gatwick on US Airways flight 732.

15. A photograph of CASTLE was taken by the US-VISIT system when he entered the United States in June 2011. U.S. law enforcement interviewed multiple acquaintances of Minor A who met CASTLE in the summer of 2011 during his visit to the United States. During these interviews, law enforcement showed the US-VISIT photograph to each of these individuals, each of whom recognized the person in the photograph as the person he/she knows as "Josh", Josh Parker", and/or "Josh Fade".² Minor A was also shown the same photo of CASTLE, and she identified it as the individual she knows to be "Richard Joshua Parker."

16. CASTLE has a prior conviction in the United Kingdom from January 8, 2003, for possession of indecent photographs of children, and making indecent photographs of children. CASTLE was required to register as a sex offender as a result of this prior conviction.

PROCEDURAL HISTORY OF THE CASE

The Charging Process

17. Under the laws of the United States, a criminal prosecution may be commenced by the filing of a criminal complaint in a United States District Court. A criminal

²"Josh", "Josh Parker", and "Josh Fade" are known alias of CASTLE's.

complaint is a written statement of essential facts constituting an offense charged and is made under oath before a United States Magistrate Judge. A criminal complaint must establish that probable cause exists to believe that an offense has been committed and that the defendant named in the complaint committed it. If satisfied that the complaint sets forth a sufficient factual basis to establish probable cause, the United States Magistrate Judge orders the issuance of a warrant for the arrest of the defendant named in the complaint.

18. On November 18, 2011, Special Agent Mark Salloum (SA Salloum) of the Department of Homeland Security, Homeland Security Investigations filed a criminal complaint before United States Magistrate Judge Michael R. Merz of the United States District Court for the Southern District of Ohio formally charging Richard CASTLE with criminal offenses against the laws of the United States. On that same day, based on the complaint, United States Magistrate Judge Michael R. Merz signed an arrest warrant for Richard CASTLE.

19. On December 1, 2011, SA Salloum filed a second criminal complaint, also before United States Magistrate Judge Michael R. Merz of the United States District Court for the Southern District of Ohio formally charging Richard CASTLE with criminal

offenses against the laws of the United States.³ It is the practice of the United States District Court for the Southern District of Ohio to retain the original complaint and file it with the records of the court. Therefore, I have obtained a copy of the criminal complaint filed on December 1, 2011, certified as true and accurate, from the clerk of the court, and have attached it to this affidavit as Exhibit A.

20. On December 1, 2011, based on this complaint, United States Magistrate Judge Michael R. Merz signed an arrest warrant for Richard CASTLE. It is the practice of the United States District Court for the Southern District of Ohio to retain the original arrest warrant and file it with the records of the court. Therefore, I have obtained a copy of the arrest warrant, certified as true and accurate, from the clerk of the court, and have attached it to this affidavit as Exhibit B.

The Charges and Pertinent United States Law

21. The complaint charges in two counts that CASTLE committed the following offenses:

Count 1: coercion and enticement of a minor, in violation of Title 18 U.S.C. § 2422(b), carrying a maximum penalty of life imprisonment; and

³ The December 1, 2011 criminal complaint was filed to correct a typographical error relating to one of the statutes referenced in the original criminal complaint. The original criminal complaint also referenced Minor A by her initials, and the initials were replaced with "Minor A" in the second complaint. The first and second complaints are otherwise the same.

Count 2: travel with intent to engage in illicit sexual conduct with a minor, in violation of Title 18 U.S.C. § 2423(b), carrying a maximum penalty of 30 years imprisonment.

The United States requests the extradition of CASTLE for both of these offenses. Each count charges a separate offense. Each offense is punishable under a statute that (1) was the duly enacted law of the United States at the time the offense was committed, (2) was the duly enacted law of the United States at the time the complaint was filed, and (3) is currently in effect. Each offense is a felony offense punishable under United States law by more than one year of imprisonment. I have attached copies of the pertinent sections of these statutes and the applicable penalty provisions to this affidavit as Exhibit C.

Count 1

22. Count 1 charges CASTLE with knowingly using any facility of interstate or foreign commerce to knowingly persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in any sexual activity for which any person could be charged with an offense, in violation of Title 18, United States Code, § 2422(b).

23. To satisfy its burden of proof and convict CASTLE on Count 1, the government, at trial, must establish beyond a reasonable doubt each of the following essential elements: (1) that CASTLE knowingly used a facility or means of interstate or

foreign commerce to persuade, induce, entice or coerce an individual under the age of eighteen, i.e., Minor A, to engage in sexual activity; (2) that CASTLE believed that such individual was less than 18 years of age; and (3) that CASTLE could have been charged with a criminal offense for engaging in the specified sexual activity.

By soliciting and engaging in sexual acts with Minor A, CASTLE was in violation of Ohio Revised Code, Section 2907.04(A)&(B), which criminalizes unlawful sexual conduct with a minor, and also Ohio Revised Code, Section 2907.07(B) and (D)(1), which criminalizes importuning.

24. The essential elements referenced above will be shown at trial by the testimony of Minor A, recovered online chats between Minor A and CASTLE, the testimony of other witnesses who met CASTLE while he was in the United States in June and July of 2011, business records from Best Western Hotel and Dollar Rent-A-Car, gifts given by CASTLE to Minor A, and travel records showing CASTLE's entry into and exit out the United States.

Counts 2

25. Counts 2 charges CASTLE with traveling in interstate and foreign commerce for the purpose of engaging any in illicit sexual conduct with another person, in violation of Title 18, United States Code, § 2423(b).

26. To satisfy its burden of proof and convict CASTLE on Count 2, the government, at trial, must establish beyond a reasonable doubt each of the following essential elements: (1) that CASTLE traveled in interstate or foreign commerce; and (2) that CASTLE's purpose in traveling in interstate or foreign commerce was to engage in illicit sexual conduct with another person, i.e., Minor A.

27. The essential elements referenced above will be shown at trial by the testimony of Minor A, recovered online chats between Minor A and CASTLE, testimony of other witnesses who met CASTLE while he was in the United States in June and July of 2011, business records from Best Western Hotel and Dollar Rent-A-Car, gifts given by CASTLE to Minor A, travel records showing CASTLE's entry into and exit out the United States, and prior offenses of child molestation by CASTLE to demonstrate his sexual interest in minors.

Description of Fugitive

28. Richard Andrew CASTLE is a citizen of the United Kingdom, born on April 27, 1966, in Ascot, United Kingdom. He is described as a Caucasian male, with a height of 5 feet 9 inches, brown eyes and black hair. Aliases include Richard Andrew Castle, Richard Parker, Richard Joshua Parker, Josh Fade, and Josh. CASTLE holds UK passport number 502008308, issued on April 28, 2011, in the United Kingdom.

29. I have attached a photograph of CASTLE to this affidavit as Exhibit D. This photograph has been identified by the acquaintances of Minor A as the person they met through Minor A in June and July of 2011, who they know as "Josh," "Josh Parker," and/or "Josh Fade," and also by Minor A as the person she knows to be "Richard Joshua Parker."

CONCLUSION

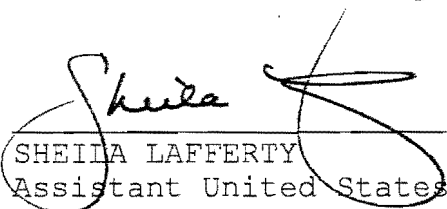
30. I have attached the following documents in support of this request for the extradition of Richard Castle:

- A. Exhibit A is a certified copy of the complaint dated December 1, 2011.
- B. Exhibit B is a certified copy of the arrest warrant dated December 1, 2011.
- C. Exhibit C is a copy of the pertinent sections of the following statutes and their penalties:
 - Title 18, United States Code, § 2422(b);
 - Title 18, United States Code, § 2423(b);
 - Ohio Revised Code, Section 2907.04; and
 - Ohio Revised Code, Section 2907.07.
- D. Exhibit D is a photograph of Richard CASTLE.


31. I have thoroughly reviewed the government's evidence against Richard CASTLE and attest that this evidence indicates that CASTLE is guilty of the offenses charged in the complaint.

Executed this 1st day of December, 2011, at Dayton, Ohio,
United States of America.

CARTER STEWART
United States Attorney


SHEILA LAFFERTY
Assistant United States Attorney

Signed and sworn to before me this 1st day of December,
2011, at Dayton, Ohio.


Michael R. Metz
United States Magistrate Judge

